

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DANIEL FERRIE,

Plaintiff,

v.

KMART CORPORATION,

Defendant.

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) Civil Action No: 04-12068 (JLT)
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DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, defendant, Kmart Corporation ("Defendant"), hereby moves for summary judgment in this matter seeking judgment in its favor on all counts in the above-captioned complaint of Daniel Ferrie. In support of this Motion, Kmart files herewith the following:

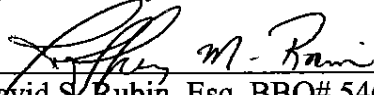
1. Defendant's Rule 56.1 Statement In Support Of Defendant's Motion for Summary Judgment.
2. Documents and Deposition Testimony Submitted In Support of Defendant's Motion for Summary Judgment.
3. Defendant's Memorandum of Law In Support Of Its Motion for Summary Judgment.

WHEREFORE, for the reasons set forth in Defendant's Memorandum of Law, this Court should dismiss all counts in the Complaint of Daniel Ferrie and enter judgment in favor of Defendant.

Respectfully Submitted,

KMART CORPORATION


By its attorneys,


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Dated: September 19, 2005

LOCAL RULE 7.1 CERTIFICATE

I, Jeffrey M. Rosin, hereby certify that, on September 19, 2005, before filing this motion, I conferred with counsel for plaintiff Daniel Ferrie, and we did not resolve or narrow the matters at issue.


Jeffrey M. Rosin